

NO. 02-18-00138-CR

**IN THE COURT OF APPEALS
FOR THE SECOND DISTRICT OF TEXAS
AT FORT WORTH**

FILED IN
2nd COURT OF APPEALS
FORT WORTH, TEXAS
5/28/2020 10:01:37 AM

DEBRA SPISAK
Clerk

CRYSTAL MASON,

Appellant,

V.

STATE OF TEXAS,

Appellee.

**On appeal from 432nd District Court
Of Tarrant County, Texas
In Cause No. 148710D
The Honorable Ruben Gonzalez, Jr. Presiding**

**APPELLANT'S THIRD UNOPPOSED MOTION FOR EXTENSION OF
TIME TO FILE MOTION FOR EN BANC RECONSIDERATION**

TO THE HONORABLE JUSTICES OF THE SECOND COURT OF APPEALS:

Pursuant to Texas Rule of Appellate Procedure 10.5 (b), Crystal Mason, Appellant, respectfully requests that this Court grant a 30-day extension of time to file her Motion for En Banc Reconsideration, making her motion due July 1, 2020. In support of this Motion, Ms. Mason shows the Court the following:

1. On March 19, 2020, the Court issued its opinion in this case, affirming the trial court's judgment.

2. Ms. Mason intends to file a Motion for En Banc Reconsideration.

Under Texas Rule of Appellate Procedure 49.7, Ms. Mason's motion was originally due April 3, 2020.

3. This Court granted Ms. Mason an initial 28-day extension to file her Motion for En Banc Reconsideration on or before May 1, 2020 and subsequently granted a second, 31-day extension to on or before June 1, 2020.

4. Ms. Mason now seeks a 30-day extension, to file her Motion for En Banc Reconsideration on or before July 1, 2020.

5. On May 26, 2020, the Texas Supreme Court issued its Seventeenth Emergency Order Regarding the COVID-19 State of Disaster. Paragraph 3 of that Order provides that "Subject only to constitutional limitations, all courts in Texas may in any case, civil or criminal—and must to avoid risk to court staff, parties, attorneys, jurors, and the public—without a participant's consent . . . modify or suspend any and all deadlines and procedures, whether prescribed by statute, rule, or order, for a stated period ending no later than September 30, 2020."

6. This extension is necessitated by the press of other matters, including obligations by Counsel for Ms. Mason in the following other cases: *Vazquez Barrera et al. v. Wolf et al.*, 4:20-cv-01241 (S.D.Tex.) (reply in support of class certification due May 30, 2020); *State v. Texas Democratic Party et al.*, No. 14-20-00358-CV (Fourteenth Court of Appeals, Houston, Texas) (Appellees'

brief due June 1, 2020); *ACLU Foundation of Texas, Inc. v. US Customs and Border Protection et al.*, No. H-20-0397 (S.D. Tex.) (joint discovery and case management plan, by June 2, 2020); *Black Voters Matter Fund v. Raffensperger*, No. 1:20-cv-01489 (N.D. Ga.) (motion for class certification due June 1, 2020); *MO NAACP v. MO*, No. SC98538 (Mo. Supreme Court) (appeal reply due June 8; oral argument June 15, 2020); *United States of America v. 5.840 Acres of Land, et al.*, No. 7:20-CV-009 (SDTX) (just compensation briefing due June 12, 2020).

7. In addition to these obligations, the COVID-19 outbreak continues to create significant operational difficulties for counsel including the closure of the counsels' offices, the technological and procedural hurdles of operating from home, and coordinating appropriate child-care solutions.

8. Appellee's counsel is unopposed to this request.

9. This is Appellant's third request for an extension of time to file their Motion for En Banc Reconsideration.

10. The Motion is not being filed for purposes of delay, but only so that justice may be done and that a Motion for En Banc Reconsideration can be prepared that will assist the Court.

11. Ms. Mason is out on bond pending appeal.

PRAYER

For the foregoing reasons, Ms. Mason respectfully asks the Court to grant this Unopposed Motion and extend the deadline for her Motion for En Banc Reconsideration by 30 days, to and including Wednesday, July 1, 2020.

Respectfully submitted,

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*Counsel for Appellant,
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CERTIFICATE OF CONFERENCE

I certify that I have conferred with the office of Assistant District Attorney Helena Faulkner as counsel for Appellee State of Texas via email on or before the date of the filemark appended hereto. The State is **unopposed** to the Court granting the motion.

/s/ Thomas Buser-Clancy
Thomas Buser-Clancy

CERTIFICATE OF SERVICE

In accordance with the Texas Rules of Appellate Procedure, I hereby certify that a true and correct copy of this Motion has been served on the following counsel of record via e-service on this the May 28, 2020:

Counsel for Appellee State of Texas:

Sharen Wilson, *Criminal District Attorney*

Joseph W. Spence, *Assistant Criminal District Attorney, Chief, Post-conviction*

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